P.J. 134-92

G. R. S. IX-5]

Previous references.

1891-92
~~192~~
(L.R)

File No 207.

Serial Nos 1-8

Later references.

L R. 155-94

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-8.

Part B for

SUBJECT.

Appeal of Seshamah of Somanahalli for a certain extent of land acquired by Govt for a Railway.

SL S. No 1523. 15-8-92. To Seshamah of Somanahally.

Informing him that the Govt cannot have any objection to grant the extent of land and buildings required to be excluded from the Railway.

WD 2223—GPB—20,000—14-6-20

Countersigned Principal Asst

Appeal

Appl No 152 of 1891-92

Appl
Deshanna of
Somanahalli
Gundalapalla
Taluq.
Mysore Dt.

Appl had certain lands in his Khata assessed at Rs 6-7-8. During the recent Survey a portion of the land (1½ acre) was treated as Kharab as it was required for a pathway for people to go to the 2 wells situated in the land & for Cattle to pass through to the bed of the Tank for grazing. No compensation was paid to the applicant.

The appl complained to the DC against the treatment of the land as Kharab, but he rejected the complaint on the ground that [illegible] the land was required for pathway & Cattle.

The Govt observed that the

Survey Dept were not justified in treating as Pharab more land than has been actually used as pathway. If more land is required for communal purposes it should be purchased from the owner.—

The appellant is willing to allow a pathway of 11 yards wide & the land so occupied by the wells which are being used by the Public for access to the Lake, & the Govt Agent states that any do which the treated as Pharab & the rest be made over to the appellant.— The Dy Govt Agent

A bye path would be accepted by the wells

directed to ~~address~~
place himself in
communication with
the Survey Dept & see
that the above order is
carried out. — The
Road is stated to be
about 1 furlong or 220
yards long. The ~~the~~
with a width of 11 yards
is equal only to ½ an acre

13/8/92

14/8

Ans

The Govt cannot have been
requested to include
as part of a road 11
yards wide & the land
occupied by the wells,
& make allowance for the rest-
to the Govt

14/8

(General Serial No. 32.)

189/.

No. 1943

Name of Petitioner. Gashanna

Village. Lonahally

Taluk. Gauribidu

District. Kolar

Date of Arzi. 16-10-91

Date of Receipt. 24-10-91

Date of Disposal.

No. of Enclosures.

ABSTRACT.

States that he [illegible]
a piece of dry land [illegible]
as adanima hola [illegible]
in the plan sent herewith
The survey Authorities,
believing the misrepresentations of his enemies, that
cattle used to stay in
the above field while
going to drink water
that the way leading
to Kittagana lay through
it and that a well

...t of which parties used to ...ery water, was situated ... thereon, divided the said ...ield into two Nos 6-5 2 A deducting therefrom 3 acres land which was set apart for the above purposes. Upon this, petitioner appealed to the Deputy Commissioner who in his order No 155 as communicated in the Amildari endorsement No 325 dated 7/7/1, supported the above arrangement

Against this order petitioner now appeals on the following grounds:—

1. Leading to Kulagana there is another way much frequented by both men and Cattle. This is indicated by a pencil mark in the plan sent herewith.

2. The opinion that the cattle used to stay on the field in question, is wrong, for a broad plain well suited for this purpose exists at [redacted] a furlong's distance from the field in question.

3. The cultivation of the field offers no obstruction to the pariahs who carry water from the well in the field; in fact they raise no objection.

4. The Cultivation of the 3acres in question is his ancestral right.

5. Even if the affirmation that the way lies through the field in question, be true, the arrangement of the Survey Authorities is not what it should be; instead of depriving

the petitioner of 3 acres of land they ought to have ordered him to set apart a way 11 yards broad along his field

For the above reasons he prays for the rectification of the 3 acres in question or for an order directing him to set apart a road as shown above.

Translation of the Gandhi Salute Magistrate's endorsement No 328 dated 15/2/21 given to the petitioner as directed in the Deputy Commissioner's Endorsement No 155

"In reply to your petition to the Deputy Commissioner I am directed to inform you as follows: —

The Villagers complained to the Survey Assistant Superintendent that, through your Adriana hole there lay a way leading to Kulagana, on it cattle used to rest after drinking water and also there was a well, from which parishes used to take water. For these reasons Survey Assistant Superintendent could have dispossessed you of the land; but out of consideration to your grievances, he has divided the land into two Nos 6 & 524 setting apart the mid

land for the railway.

Bubb Rec

Copied L. G.

9/

102
Mysore
18.10.91 one quadrupl

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. NO 1943
DATE 24-11-91

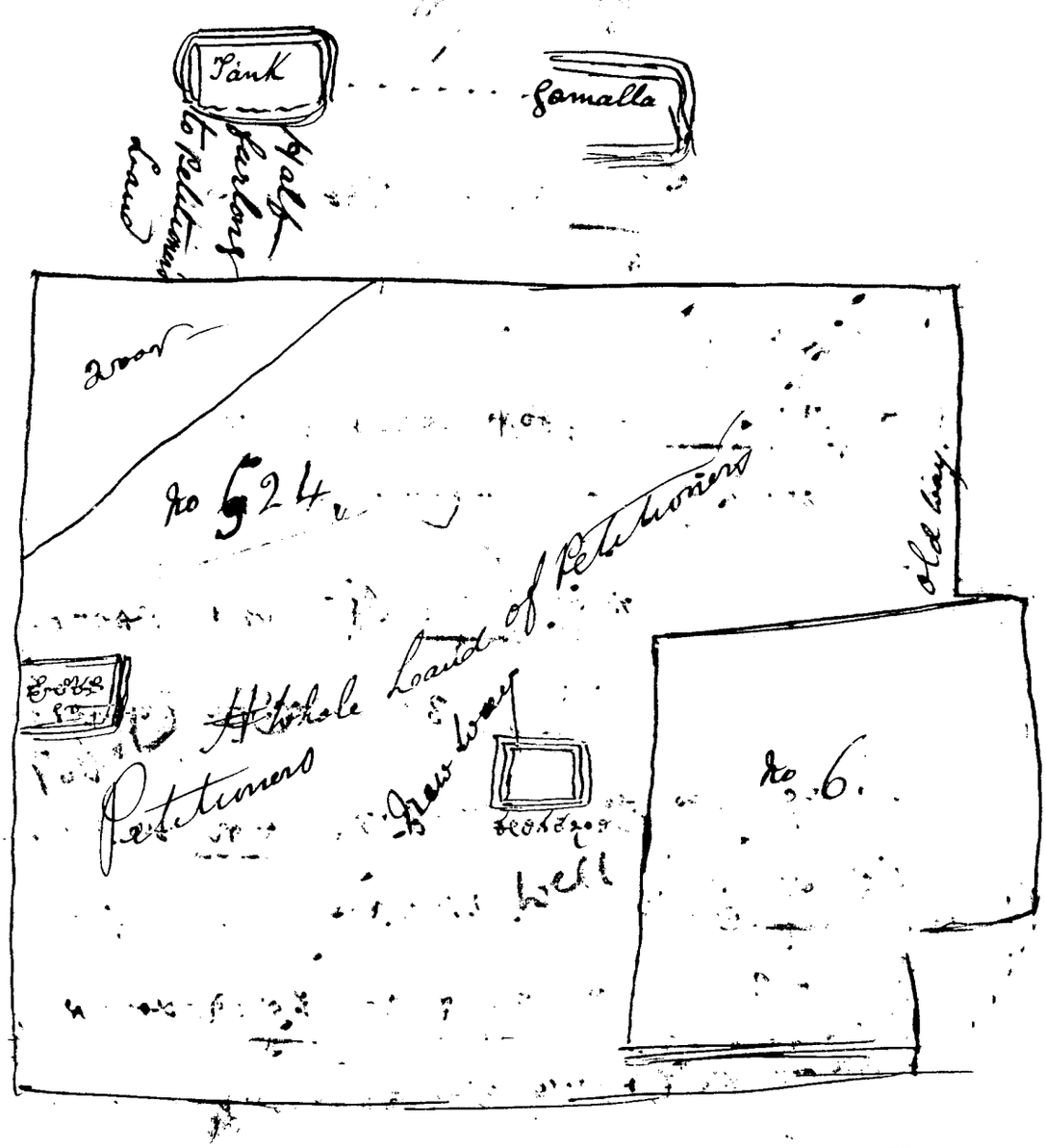
1

2

3

4

5


Tank
Samalla
Half Yard
Belonging to Petitioners
Land
Door
No 524
Old Way
Whole Land of Petitioners
Petitioners
Door
Door
Well
No 6.

6

7

8

9

No. 218 K

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1943 dated 16th Dec 91 received at the Dewan's Office from Seshanna residing in Somahalli village, Gundlu P.O.

is forwarded, together with its one enclosure, to the Dy. Commr. Kolar Dist. for submission of Proceedings and a precis thereof.

By Order,

for Chief Secretary.

BANGALORE, 14/12/ 1891.

Draft

Noted

(General Serial No. 30.) 1852

1892. P. 84

From

The Deputy Commissioner
Mysore District

To

The Chief Secretary to the Dewan
of Mysore
Bangalore

Dated 2nd February

Despatched

Received

Enclosures No. 1 & 1 A. File

General No. 975

No.

His Memo No 2/8, dated 2nd inst., forwarding for submission a preceding petition from Shesharama residing in Soma hully / Goonikoppa Taluq.

Has the honor to submit herewith the proceedings called for in the above letter, with an English precis thereof.

Deputy Commissioner
Mysore District

Certified
that

Deputy Secretary

Submitted to the Council.

H
8/2/92

3

To Mr. Lowe
draft as follows —

His no. .....

In returning the papers noted with above for resubmission with a sketch map showing the required particulars has the honor to enquire —

1. What is the extent ...

2.

3.

H
9/2/92

33
6.2.92

Rec'd 2.

A precis of the papers connected with the Complaint of Rajkumar Sen of Kishtdoolie Timelapur against Surrendranath Purkayastha.

Petitioner states that his ancestors owned a piece of dry land called Adarsa Bala for the past 500 years on Jonjami tenure paying 2 rupees assessment and when last calculated it in the year Bengal Era 1265 - A.D. 1857-58 it was measured and assessed at dry rate. From that time he has been paying Rupees 6 a. 0 p. 0. It has remained uncalculated since the Revenue Survey. During Survey the land was divided into three pieces portions on either side (Nos 6+5+24) measuring 1-29 each, and the middle portion was taken out as "khurak" for a road. His representations to the Survey Department were not noticed. He is now willing to pay whatever assessment is imposed and requests his whole land be measured and fixed taking 20 yards for the road to the east of the land.

The above petition was forwarded to the Amildar for report.

The Amildar reports that on the complaint of the Ryots that the land was the bed of a Jheel the Survey Assistant Commissioner personally inspected the land and although the whole of the land should have been taken out as "khurak" Considering the claims of the petitioner, four fine portions of the land that was fit for Cultivation viz. Survey Nos 6+5+24

That the land in question is bottle land

of

of the Red Communities Tank, the cattle collect there, and a road to Nadigana a village in the Channarayapatna Taluq runs through it, besides the way used by the Nadigana to go to their fields, and that if the land in question at the Petitioners request it would inconvenience both the villagers and cattle, and that the complaint of the Petitioner is frivolous.

On receipt of the above report the Deputy Commissioner ordered that a detailed Enquirement might be given to the Petitioner in terms of the Amildars report which was accordingly issued vide Endorsement No. 328 dated 18th January 1891.

Deputy Commissioner
Mysore

Contd:
No.

Continued —

Queries

1 What is the extent of land set apart as a road?

2. Is not 20 yards a sufficient passage as alleged by Petitioner?

Answer:
(vide Dy Comrs No 12 of 6th April 1892).

1. 1 acre & 30 guntas as marked in the sketch map by red ink lines.

2 The Amildar states that 10 yds would be sufficient, but as the pathway is required to be used by Bullocks going to the Pond & the cattle to the well a larger extent may be perhaps desirable to prevent clashing

(General Serial No. 30).

1892/93 (4)

From

Date 9th Sept 1892

Despatched 15 Sept 1892.

Received

Enclosures No. 1 Note of Papers

Subject Mr. Deane's application for Land

No. 291

To the Deputy Commissioner

Enquiring if proceedings connected with application from Edmund Fitzmaurice, Esquire for Land.

In reply to yours received within above per Registered with a sketch map showing the required particulars, have to enquire -

1. If Land is open for selection

2. If not so open is sufficient frontage to allow

Petn Deputy (Nirle 8/4/92

(General Serial No. 30.)

OFFICE OF THE DEWAN OF MYSORE. 8 APR. 92

From The Superintendent Bangalore District

The Chief Secretary to the Dewan of Mysore.

Dated 6
Despatched
Received 8/4/92

Enclosures No. 1 & 1 file

General No. 12
No.

Subject Petition dated 21/3/92 calling for further information regarding the appeal petition from Sekkara & Govinda

In replying the honor to state as follows

1. The exact plan of the site for the road is 1-30 and is annexed in red ink in the enclosed sketch.

2. The available stone at 19 yards would be sufficient for the pathway but as the pathway is

Information embodied in the petitioner returned.

Submitted & Mr Council with papers &c.

11/4/92

11/4/92

Porter for Appr:
on 21st Inst 92

12/4/92

Approved
7th Augt 92
1/7/92

9-4-92

required for use by Villagers going to the Forest and the Cattle will also represent may be fencing desirable to prevent Grazing.

3. The Accidental says that the old pathway was the same as at present. But as a large cattle track was noticed by the Survey Department it is not clear as to the exact position of the pathway. The dotted line on the plan roughly indicates the same.

4. The Tribunal therefore Considered that by 337/1926 dated 5/8 August it should be transmitted with the enclosures.

Deputy Commissioner
Hyderabad

Mr Coubd.
Ulu.

7

3609
12-8-92

(General Serial No. 30.)

189 .

From

The Chief Secretary
to the Dewan of Mysore.

To

The Deputy Commr
Mysore

Dated 18
Despatched 24 August 93
Received

Enclosures No. Files & 1 Papers

General No. 2804
P. F. No. 134-92

Relating from the taking possession of Somanahalli, Gundlupet Taluk, & road & water rights the land required by the wells.

References to be marked.

Before the Government of *His Highness* the Maharaja of Mysore.

9

Appeal No. 152 of 1891-92.

Appellant. Vs. Respondent.

Seshama of
Somanahally,
Gundlupet Taluk,
Mysore District.

Decision. dated 14th Sept. 92.

Appellant had certain land in his khata assessed at Rs 6-7-8. During the recent survey a portion of the land (½ acre) was treated as Kharab, as it was required for a pathway for people to go to the 2 wells situated in the land & to other villages, and for cattle to pass through to the bed of the tank for grazing. No concession was paid to the Appellant.

2. The Appellant complained to the Dy. Comm^r against the treatment of the land as Kharab; but he rejected the complaint

on the ground that the land was required for pathway & cattle.

3. The Govt decides that the Surveyor Depart were not justified in treating as Kharaba more land than has been actually or in striking off Mr Khatasurb Patla. Ne used as pathway. No more land is required Land actually used as Pathway should have been treated as Bhoot Kharab. ✓ Mr retained on Mr Kharabar Patla. from the order.

No
Govt is willing to allow a portion. houses
of Mr Mehta's area of 11 acres side the land occupied by the wells which are being used by the Public. No or in occupation of the
Govt direct that only as much be treated the same as
as Kharaba Title deed be made over to the Mehta.

Mr. The Commissioner will be directed to place himself in communication with the Survey Department and see that the above order is carried out. The road is stated to be about 1 furlong or 220 yards long. This with a width of 11 yards is equal only

to 1/2 an acre.

"By Order"
Illegible 28/8
Chief Secretary.

No. 2834
P.F. 134-92 dated 18/8 — 8 — 92

Copy to the Dy. Comm^r. Mysore with the ver. papers received with his No. 978 and 12 of 2nd ~~February~~ 6th April 92.

"By Order"
Illegible 28/8
Chief Secretary.

Re-draft.

Illegible

His Highness the Maharaja

Before the Government of Mysore.

Appeal No. 152 of 1891-92

Appellant. Vs. Respondent.

Seshanna
Somanahally
Gundlupet Taluk
Mysore Dist.

Appellant had certain land in his kharab accessed at Rs 6-- 3. During the recent survey a portion of the land (1½ acres) was treated as kharab, as it was required for a pathway for people to go to the wells situated in the land and to the villages, and for cattle to pass through, & to the best of the land for grazing &c. compensation was paid to the appellant.

2. The appellant complained to the Deputy Commr against the treatment of the land as kharab, and he rejected the complaint on the ground that the land was required for pathway and cattle.

3. The Government consider that the Survey Department were not justified in treating as kharab more land than has been actually used as pathway or in stating it as the Khaledars pasta. The land actually used as pathway should have been treated as Pasat kharab and retained in the Khaledars pasta. The appellant however is

holding is about a furlong & it goes wide and to have its area and that of the land occupied by the wells
etc. of the Delta. This is sufficient and the
Government direct that the same be limited
as aforesaid and the rest be made over to the
Applicant. The Deputy Commissioner will be directed
to place himself in communication with the Survey
Department and see that the above order is carried
out. The canal is stated to be about 1 furlong
or 220 yards long. This, with a width of 11 yards
is equal only to 1/2 an acre.

"By order"
(Sd) J. Anandarao
Chief Secretary

No 2804
P.Z 134-92 & 18/22 -8-92

Copy to the Deputy Commissioner Nagaur attached
with papers &c

"Copy"

Assistant
for Secretary

mwd
9/9

mwd
15/9

A. S. 152

8

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
Augt. 1892.

Endorsement granted to Seshanna of Somanahalli Gundlupet Taluk, Mysore District,
in reply to his Petition Registered No. 1943 dated 16th Octr 91.

Petitioner is informed that the Dy. Commr has been requested to exclude as kharáb a road 11 yards broad & the land occupied by the wells & make over the rest to him.

2. The encls: is returned.

"By Order,"

Asst.

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.

Issued with enclosures 29/8

Before the Government of Mysore.

Appeal No. 152 of 1891-92

Appellant. Vs. Respondent.

Seshanna &
Somanahally
Gundlepett Taluk
Mysore Distt.

L.R. 207-91-7

Appellant had certain land in his Khata assessed at Rs 6-7-8. During the recent survey a portion of the land (1½ acres) was treated as Kharab, as it was required for a pathway for people to go to the 2 wells situated in the land and to other villages, and for cattle to pass through to the bed of the Tank for grazing. No compensation was paid to the appellant.

2. The appellant complained to the Deputy Commissioner against the treatment of the land as Kharab, but he rejected the complaint on the ground that the land was required for pathway and cattle.

3. The Government consider that the Survey Department were not justified in treating as Kharab more land than has been actually used as pathway or in striking it off the Khatedar's patta. The land actually used as pathway should have been treated as Phoot Kharab and retained in the Khatedar's patta. The appellant having

willing to allow a pathway of 11 yards wide and to have its area and that of the land occupied by the wall struck off his Patta. This is sufficient and the Government direct that the same be treated as Kharab and the rest be made over to the Appellant. The Deputy Commissioner will be directed to place himself in communication with the Survey department and see that the above order is carried out. The road is stated to be about 1 furlong or 220 yards long. This, with a width of 11 yards is equal only to 1/2 an acre.

By order
(sd) T. Anandarow
Chief Secretary

No 2804
P.Z. 134-92 & 18/22 -8-92

Copy to the Deputy Commissioner Mysore District with papers &c

Copy.

T. Anandarow
for Secretary

rec'd 9/9/92
noted 15 Do.